

REMARKS

In response to the Office Action dated August 2, 2007, Applicant respectfully requests reconsideration. Claims 1-39 and 41-46 were previously pending in this application. By this amendment, claims 1, 14, 27-39, and 41 have been amended. As a result, claims 1-39 and 41-46 are pending for examination with claims 1, 14, 27, and 41 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

I. Interview Summary

Applicants thank the Examiner for the courtesy of an interview on October 9, 2007. Applicants were represented by Edmund J. Walsh, Reg. No. 32,950 and Technology Specialist, Daniel T. Wehner. During the interview, the focus of the present application was discussed in conjunction with proposed amendments to the claims. It was agreed that the proposed amendments help distinguish over the cited references. However, the Examiner indicated that she would conduct a further search upon formal submission of a response to the outstanding Office Action.

Applicants also thank the Examiner for an in-person interview on October 18, 2007. During the interview, the Examiner stated that the claims are difficult to parse and it was agreed that further amendments to improve the readability of the claims would be made. It was also agreed that at least some of the limitations of claims 5 and 6 would be placed in the independent claims. It was also agreed that claims 7 and 8 distinguish over the references, and limitations of those claims have been added to independent claim 27.

II. Objections to the Specification

The Office Action objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, notably the term, "the computer program product". Applicants disagree. However, the term has been removed from the claim in addressing the rejections under 35 U.S.C. §101. Accordingly, withdrawal of this objection is respectfully requested.

III. Rejections Under 35 U.S.C. §101

The Office Action rejected claims 27-39 under 35 U.S.C. §101 because the claimed invention allegedly was directed to non-statutory matter. Claims 27-39 have been amended to refer to at least one tangible computer readable medium encoded with instructions, that when executed in a computer system, perform a method of managing a peer-to-peer collaboration system, which is clearly statutory. Support for this charge appears at page 16, paragraph 45 of the application as filed. Accordingly, withdrawal of these rejections is respectfully requested.

IV. Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1-5, 11, 13-18, 24, 26-31, 37, 39, and 41-45 under 35 U.S.C. §103(a) as being allegedly obvious over US Patent Application No. 2003/0041108 (hereinafter, "Henrick") in view of U.S. Patent No. 6,813,733 (hereinafter, "Li"). Applicants respectfully disagree.

As an aid to the Examiner, Applicants provide a summary of the present application and the Henrick and Li references. This summary is not intended to discourage the Examiner from reading the application or the references in their entirety. This summary is also not intended as a characterization of the claims or any terms in the claims, which are discussed below.

A. Summary of the Present Application, Henrick, and Li

Briefly, the present application describes a peer-to-peer collaboration system. As described in more detail in prior response filed October 28, 2006, such systems did not have a convenient, centralized mechanism to provide management function for the users. The present application describes how such a system could be provided with a management server that can interact with the users to define managed entities that could then exchange management information with the server.

The management server – because it does not have to be part of the peer-to-peer communication session – creates a separate mechanism to identify the user or devices that are to be managed. Managed entities according the present specification, may be either managed users or managed devices, wherein a managed user is a special "identity" within a user's account that

is a member of, and administered through a management domain, and a managed device is a machine, such as an end-user computer running collaborative client software, which machine is a member of, and administered through a management domain (Specification, ¶0021). As a result, a management server – which may not be part of a peer-to-peer collaboration session – has the ability to exchange information about events within the collaboration session.

To establish a separate identity of a managed entity, the server sends a request to the peer to create a managed entity. The server then provides a definition of the managed entity. Within the client software of the peer-to-peer collaboration system, this definition is associated with the entity to be managed. By associating the identity provided by the server with the client software of the peer-to-peer collaboration system, the management server can perform management functions relating to actions of the management entity within the peer-to-peer collaboration session, even though the management server need not be part of the collaboration session (Specification, ¶0013).

Though Henrick describes a peer-to-peer collaborative web browsing system, it does not disclose a management server that performs management functions or any mechanism by which a management server can define managed entities. The central server in Henrick does not exchange management information about actions within a peer-to-peer collaboration session. In fact, the server of Henrick is needed “only during initial session setup,” (Henrick, ¶0014) as the purpose of the server is only to establish the collaborative browsing session (Henrick, ¶0029).

Li also does not disclose a management server that defines a managed entity related to a peer-to-peer collaboration session or performs management functions related to such an entity once defined. Li relates to an apparatus and method for providing diagnostic information about a client application (Abstract). Li discloses a diagnostic method that may identify “certain predetermined characteristics of the client system” (Li, Col. 13, lines 1-5), but Li in no way describes diagnosing or managing a peer-to-peer system. Moreover, Li does not disclose in any way whatsoever the concept of defining managed entities relating to a peer-to-peer collaboration system by downloading a definition file, or using that

definition file to create an association with a user or device in the client software in order to create the managed entity.

B. There is No Reason to Combine Henrick and Li

Applicant respectfully submits that a rejection based on Henrick and Li is improper because one of skill in the art would have had no reason to combine the components of Henrick and Li as in the Office Action to create a system meeting all limitations of the claims. In particular, Henrick and Li address two unrelated problems and solve their respective problems with unrelated solutions.

First, Henrick is concerned primarily with solving the problem that web browsing is not well linked with other communication means such as email, instant messaging, and telephone communications. To this end, Henrick teaches a solution whereby multiple users are able to browse web pages in a collaborative manner via a peer-to-peer network that is created from an exchange of communications between software running on client machines and a Web server. It is noteworthy that the Web server is “needed only during initial session setup” (Henrick, ¶0014), and it does not perform the management functions described in connection with the management server disclosed in the present application.

In contrast to Henrick, Li is in no way concerned with peer-to-peer collaboration networks; rather Li is concerned primarily with the problem that customer service interactions between a client and an online service provider (OSP) are often not very efficient. Li teaches a solution wherein a diagnostic system comprising software running on the client and/or the host computer facilitates such customer service interactions by collecting information about the client system, and transmitting the diagnostic information to the host via a suitable means (Li, Fig. 7). Li fails to mention peer-to-peer networks in a context other than as one of the aforementioned suitable means for client-to-host data transfer. Hence, the nature of Li’s problem and proposed solution are wholly unrelated to the concepts discussed in Henrick in connection with peer-to-peer networks, and one of ordinary skill in the art would have had no reason to combine the references or to combine the specific components of the references in the way done in formulating the rejection.

C. Even if Combined The References Do Not Teach All Limitations of the Claims

Despite the aforementioned differences between the present application and the references cited by the Examiner, each of the independent claims has been amended to more clearly point out that managed entities are associated with an identity, defined by a management server, that is different than their user identity used for peer-to-peer recognition in the collaborative session and how this identity is used. Thus, each of independent claims 1, 14, 27, and 41 recites at least one limitation not taught by the references, whether considered alone or in combination.

1. Independent Claim 1 and its Dependent Claims

Claim 1 as amended recites a method for managing a peer-to-peer network. The type of management information is also defined. That management information consists of at least one of a license file or a policy restriction file. This amendment is supported by the specification as filed, such as at page 10, lines 26-30; and page 11, lines 1-4.

Neither Henrick nor Li, alone or in combination, disclose all of the limitations of independent claim 1.

Neither Henrick nor Li disclose a management server that interacts with client software to exchange information associated with the operation of a managed entity in a peer-to-peer collaboration session. The Examiner contends that the Web server of Henrick is analogous to the management server described in the present application. Despite Applicants' objection to this premise, even if it were accurate, the Web server of Henrick does not "send a request to the first user to become a managed entity," as claimed. Rather, in Henrick, the user generates the request to join a collaboration session by entering an appropriate URL into his or her browser to connect to the system server (Henrick, ¶0029).

In addition, claim 1 as amended recites: "the managed entity having an identity different than the first identity allowing the first user or first device to be identified by the management server." The claim further recites "interacting, between the management server and the client software using the identity, to exchange management information associated with the operation

of the managed entity in the peer-to-peer collaboration session separately from the collaborative information exchanged between the first user and the second user.” Neither Henrick nor Li discloses providing a identity to a user or device for management server identification that is different from the identity used for peer-to-peer identification. As one example of the deficiency in the reference, there is no mention in Henrick that the client software that is downloaded from the web server contains any unique identifier information for a particular user or device.

Furthermore, neither Henrick nor Li teach or suggest “downloading from the management server...a definition file containing a definition of the managed entity,” as recited in the claim. There is no basis for interpreting the software component 115 of Henrick as a definition file containing a definition of a managed entity. Client software, such as software component 115, is not the same as a definition file defining a managed entity. Further, element (c) of claim 1 recites that the definition file is downloaded “**to** the client software operating in the first device.” Downloading the client software as described in the reference cannot be the same as downloading a definition file **to** the client software and the reference cannot teach or suggest this limitation.

Furthermore, both Henrick and Li fail to disclose the limitations of claim 1, element (e) regarding “associated with the operation of the managed entity in the peer-to-peer collaboration session”. The section of Li that the Examiner cites in support the rejection (Li, Col. 14, lines 25-61) describes transmitting an output file containing diagnostic information to a host system via either a peer-to-peer connection, or any other suitable means (e.g., email body or attachment, instant message, online chat room). It is noteworthy however, that Li does not mention in any way whatsoever management **of** a peer-to-peer networking system, but only refers to using the peer-to-peer networking systems as a mechanism **to transmit diagnostic information**.

For at least the foregoing reasons, claim 1 patentably distinguishes over Henrick and Li, and is in condition for allowance.

Therefore it is respectfully requested that the rejection of claim 1 be withdrawn. Claims 2-13 depend directly or indirectly from claim 1, and are allowable based at least on their dependency. These claims additionally recite limitations that further distinguish the references. For example, claims 2-4 recite further details of how the definition of the

managed entity provided by the server is used to create the managed entity within the peer-to-peer collaboration system.

2. Independent Claim 14 and its Dependent Claims

Claim 14 as amended recites an apparatus for managing a peer-to-peer collaboration system. In connection with the reasons put forth above, neither Henrick nor Li, alone or in combination, disclose all of the elements of the apparatus in claim 14.

For example, claim 14 recites:

“a download manager that downloads from the management server to the client software operating in the first device a definition file containing a definition of the identity of the managed entity;”

“a mechanism in the client software that associates the definition with the first collaboration identity or first device information in order to create the managed entity, the managed entity being different than the first collaboration identity, the management identity allowing the first user or first device to be identified by the management server;” or

“a mechanism that exchanges information relating to the managed entity between the client software and the management software, the information relating to monitoring operation of the managed entity and/or synchronizing the managed entity with information on the management server, the exchanged information being associated with the identity of the managed entity.”

The references do not teach or suggest these limitations. Therefore, it is respectfully requested that the rejection of claim 14 be withdrawn. Claims 15-26 depend directly or indirectly from claim 14, and are allowable based at least on their dependency. The dependent claims recite limitations that further distinguish the references.

3. Independent Claim 27 and its Dependent Claims

Claim 27 as amended recites at least one tangible computer readable medium encoded with instructions that when executed in a computer system, perform a method of managing a peer-to-peer collaboration system. The claim recites:

“downloading from the management server to client software operating in the computer system a definition file containing a definition of the managed entity;”

“associating a management identity in the definition file with the first collaboration identity in the client software in order to create the managed entity, the managed entity being different than the first collaboration identity, the management identity allowing the first user or computer system to be identified by the management server; and”

“interacting with the management server using the management identity to exchange information relating to the managed entity within a collaboration session using the shared space.”

For reasons provided above, neither Henrick nor Li, disclose such a management system. Therefore, it is respectfully requested that the rejection of claim 27 be withdrawn. Claims 28-39 depend directly or indirectly from claim 27, and are allowable based at least on their dependency.

4. Independent Claim 41 and its Dependent Claims

Claim 41 as amended recites an apparatus for managing a peer-to-peer collaboration system in which users having identities are directly connected to each other in a collaboration session using a shared space by client software operating in devices and wherein the users can communicate with a management server using the client software. Claim 41 recites:

“means for downloading from the management server to the client software a definition file containing a definition of the identity of the managed entity”

“means in the client software for associating the identity of the managed entity with the first collaboration identity or first device information in the client software in order to create the managed entity, the managed entity being different than the first collaboration identity, the management identity allowing the first user or first device to be identified by the management server;”

“means for exchanging management information associated with the managed entity using the management identity, the management information relating to the collaboration session, and the management information being exchanged between the client software and the management server, and the management information identifying an entity to which the information relates using the new identity of the managed entity.”

For reasons provided above, neither Henrick nor Li disclose an apparatus for managing a peer-to-peer collaboration system meeting these limitations. Therefore, it is respectfully requested that the rejection of claim 41 be withdrawn.

Claims 42-46 depend directly or indirectly from claim 41, and are allowable based at least on their dependency.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: October 30, 2007

Respectfully submitted,

By: /Edmund J. Walsh/
Edmund J. Walsh, Reg. No. 32,950
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000